

The scope of this paper does not permit of a discussion of that greatly debated subject as to whether in formulating this rule and in its application "law has been made to triumph over science, and the opinions of medical men, the only competent judges on such a subject, have been too autocratically disregarded." : *Jurid. Rev.* 1890, p. 225.

Some judges in England have held themselves at liberty to ignore the authority of these answers, and it has been said by some critics that they are entitled to no more weight "than the academic speculation of a mere debating society."

For the Canadian Courts the discussion has been definitely closed by the incorporation of the rule in *McNaughten's* case into the code, with one addition. The rule in *McNaughten's* case is defective in confining itself to cases of mental *disease*, and in not dealing with cases where there is no mental disease in the proper sense of the word, but only any absence of mental power or development, and yet there is the same inability to understand the nature and quality of an act. With the addition of the words "natural imbecility" to cover this defect, s. 11 crystalizes the rule in *McNaughten's* case into law: "No person shall be convicted of an offence by reason of an act done or omitted by him when labouring under natural imbecility or disease of the mind to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such act or omission was wrong."

2. Coercion by Husband.

It was explained to Mr. Bumble that if a wife does certain acts in the presence of her husband, the law presumes she does them against her will and in obedience to him. Mr. Bumble, speaking no doubt from private knowledge of connubial life, pointedly remarked, "If the law says so, the law is a hass." And indeed many husbands would share the amazement of Mr. Bumble on learning how great was the power which the law presumed them to exert over their wives. By the law of England a woman charged with the commission of a crime less heinous than murder or treason may be acquitted if she prove that her husband was present when she committed the offence. The law presumes that she was not a free agent. In the words of Blackstone, "She is not guilty of any crime being considered, until the presumption be rebutted, as acting